

LEGAL NEWSLETTER

No. 16 – May 2024 – Capable Counsel

I. Commercial sector:

1.1. Decree 55/2024/ND-CP guiding the Law on Protection of Consumer Rights promulgated on May 16, 2024.

This Decree details Clause 9, Article 3; Clause 2, Article 9; Clause 2, Article 13; Clause 5, Article 23; Clause 5, Article 28; Clause 3, Article 32; Clause 5, Article 33; Clause 4, Article 37; Clause 5, Article 39; Clause 3, Article 40; Clause 3, Article 45; Clause 3, Article 47 and Clause 2, Article 73 of the Law on Protection of Consumer Rights.

This Decree takes effect from July 1, 2024.

The Government's Decree No. 99/2011/ND-CP dated October 27, 2011 detailing and guiding the implementation of a number of articles of the Law on Protection of Consumer Rights shall cease to be effective from the effective date of this Decree.

Promulgated together with this Decree are the following forms/forms:

No.	Content
Form No. 01	Report on the registration and application of the contract according to the form, general transaction conditions
Form No. 02	Contract application form and general transaction conditions
Form No. 03	Notice of supplementation of contract registration dossier according to the form, general transaction conditions
Form No. 04	Notice of completion of contract registration according to the form, general transaction conditions

Form No. 05	Notification of the results of appraisal of contract registration dossiers according to the form and general transaction conditions
Form No. 06	Report on the situation of contract control according to the form and general transaction conditions in the province or centrally-run city
Form No. 07	Official letter on collecting comments on the contract registration dossier according to the form, general transaction conditions
Form No. 08	Report on the implementation of the program for recall of defective products and goods
Form No. 09	Report on the results of the implementation of the program on recall of defective products and goods
Model No. 10	Notice of non-sale at regular transaction locations
Form No. 11	Notice of amendments and supplements to the implementation of non-sale at regular transaction locations

1.2. Circular 32/2024/TT-BTC on Vietnam's price appraisal standards on market approach, cost approach, and income-based approach issued by the Minister of Finance on May 16, 2024.

To promulgate together with this Circular the following Vietnamese price appraisal standards:

- Vietnam Valuation Standards on Market Approach;
- Vietnam's valuation standards on the cost-based approach;
- Vietnam Valuation Standards on Income Approach.

This Vietnam Price Appraisal Standard stipulates and guides the approach from the market/cost when appraising prices in accordance with the law on prices.

Subjects of application:

- Price appraisers and price appraisal enterprises shall provide price appraisal services in accordance with the law on prices.
- Organizations and individuals shall carry out the State's price appraisal activities in accordance with the law on prices.
- Organizations and individuals requesting price appraisal and third parties shall use price appraisal reports under price appraisal contracts (if any).

This Circular takes effect from July 1, 2024.

Circular No. 126/2015/TT-BTC dated 20/8/2015 of the Minister of Finance promulgating Vietnam price appraisal standards No. 08, 09 and 10 expires from the effective date of this Circular.

1.3. Circular 34/2024/TT-BTC regulating the examination, issuance, management and revocation of price appraiser cards issued by the Minister of Finance on May 16, 2024.

This Circular provides for the examination, issuance, management and revocation of price appraiser cards as prescribed in Clause 3, Article 44 of the Price Law.

The price appraiser card is governed by the provisions of Clause 1, Article 44, including: the card of the price appraiser in the field of asset price appraisal and the card of the price appraiser in the field of enterprise price appraisal.

Subjects of application:

- Participants in the exam for issuance of price appraiser cards shall comply with the provisions of Clause 2, Article 44 of the Price Law.
- Persons who have been granted price appraiser cards.
- The Exam Council for the issuance of price appraiser cards and the Assisting Team of the Exam Council for the issuance of price appraiser cards.
- Other organizations and individuals involved in the examination, issuance, management and revocation of price appraiser cards.

Exam registration documents:

For those who do not have a price appraiser card, the application for registration for the exam includes:

- The registration form for the exam with a photo affixed according to the form specified in Appendix I to this Circular;
- A certified copy of the certificate of training in price appraisal in accordance with the professional field of the exam issued by the agency or organization with the function of training in price appraisal, unless there are papers specified at Point c, Clause 1 of this Article;
- A certified copy of a college diploma or higher in price appraisal or price appraisal (if there is no certified copy of the certificate of training in price appraisal specified at Point b, Clause 1 of this Article). In case the college diploma or higher does not specify the price major or price appraisal, the candidate shall additionally submit a certified copy of the transcript showing that he has studied the above majors;
- A certified copy of a university diploma or higher (of a major other than a major in price or price appraisal), unless there is a certified copy of a university diploma or higher of a price or appraisal major;
- 02 (two) color photos (4x6cm) taken within 06 months from the time of submission of the application.

For those who already have a price appraiser card in the field of asset price appraisal who wish to take the card of price appraiser in the field of enterprise price appraisal, the application for registration for the exam includes:

- Components of the dossier specified at Points a and dd, Clause 1 of this Article;
- A copy of the appraiser's card in the field of asset price appraisal.

This Circular takes effect from July 1, 2024.

This Circular replaces the Circular No. 46/2014/TT-BTC dated April 16, 2014 of the Ministry of Finance regulating the examination, management, issuance and revocation of price appraiser cards (hereinafter referred to as Circular 46/2014/TT-BTC dated April 16, 2014 of the Ministry of Finance).

For candidates who have taken the exam for the first time at the exam held immediately before July 1, 2024 and have test scores that meet the requirements of the exam subjects specified in Circular 46/2014/TT-BTC dated April 16, 2014 of the

Ministry of Finance below, they are entitled to reserve the exam results at the exam for the first time organized in accordance with the provisions of this Circular. concrete:

- Real Estate Price Appraisal Exam;
- Enterprise Valuation Exam;
- The Law exam subject applied in the field of price and price appraisal in combination with the exam subject "Principles of market price formation and basic principles of price appraisal" specified in Circular No. 46/2014/TT-BTC dated April 16, 2014 of the Ministry of Finance is equivalent to the exam subject "Law applied in the field of price appraisal, principles of market price formation and basic principles of price appraisal" specified in this Circular;
- For candidates who have taken the exam with test scores that meet the requirements of one of the two exam subjects "Law applicable in the field of price and price appraisal" or the exam subject "Principles of market price formation and basic principles of price appraisal" specified at Point a, Clause 1, Article 8 of Circular No. 46/2014/TT-BTC dated April 16, 2014 of the Ministry of Finance are entitled to reserve the subject the exam meets the requirements and can be registered for the remaining exam subject that has not yet met the requirements to determine the satisfaction of the exam subject "Law applied in the field of price appraisal, principles of market price formation and basic principles of price appraisal" according to the provisions of Point c, Clause 3 of this Article.

The exam format, exam time, language and content of the exam subject "Law applied in the field of price and price appraisal" and the exam subject "Principles of market price formation and basic principles of price appraisal" comply with the provisions of Circular No. 46/2014/TT-BTC dated April 16, 2014 of the Ministry of Finance.

Price appraiser cards issued before the effective date of this Circular shall continue to be legally valid and equivalent to price appraiser cards in the enterprise sector.

1.4. Circular 36/2024/TT-BTC Vietnam Valuation Standards on Enterprise Valuation issued by the Minister of Finance on May 16, 2024.

To promulgate together with this Circular the Vietnam Standards for Appraisal of Prices for Enterprises.

This Vietnam Price Appraisal Standard stipulates and guides the implementation of enterprise price appraisal when appraising prices in accordance with the law on prices.

Subjects of application

- Price appraisers and price appraisal enterprises shall provide price appraisal services in accordance with the law on prices.
- Organizations and individuals shall carry out the State's price appraisal activities in accordance with the law on prices.
- Organizations and individuals requesting price appraisal and third parties shall use price appraisal reports under price appraisal contracts (if any).

This Circular takes effect from July 1, 2024.

Circular No. 28/2021/TT-BTC dated April 27, 2021 of the Minister of Finance promulgating Vietnam Valuation Standards No. 12 expires from the effective date of this Circular.

1.5. Circular 39/2024/TT-BTC regulating training, retraining, updating knowledge and issuance of professional certificates of price appraisal issued by the Minister of Finance on May 16, 2024.

This Circular provides for training, retraining, updating of knowledge and granting of professional certificates of price appraisal to price appraisers and persons engaged in price appraisal of the State.

Subjects of application

This Circular applies to persons who wish to take the exam to be granted a price appraiser card; holders of price appraiser cards; price appraisers; persons in charge of price appraisal of the State; units to organize training, fostering and updating knowledge on price appraisal; state management agencies in charge of price appraisal; other agencies, organizations and individuals involved in training,

fostering and updating knowledge about price appraisal (hereinafter referred to as training, fostering and updating knowledge).

Principles of training, fostering and updating knowledge:

- The program, content and time of training, retraining and updating knowledge must be suitable for participants in training, retraining and updating knowledge as prescribed in this Circular.
- The content of training, retraining and updating knowledge must ensure that it is regularly updated, improve quality, and meet the requirements of participants in training, retraining and updating knowledge classes.
- The training, fostering and updating of knowledge are organized in a centralized form. In case of emergency, incident, disaster, natural disaster, epidemic or other necessary cases, the Ministry of Finance announces that the organization of training, fostering and updating knowledge shall be carried out in the form of online.
- The organization of training, retraining and updating of knowledge must comply with the provisions of this Circular.

This Circular takes effect from July 1, 2024.

Circular No. 204/2014/TT-BTC dated 23/12/2014 of the Minister of Finance regulating training and retraining in specialized skills in price appraisal and Circular No. 11/2019/TT-BTC dated 20/02/2019 of the Minister of Finance amending and supplementing a number of articles of Circular No. 204/2014/TT-BTC dated 23/12/2014 of the Minister of Finance regulating training, professional training in price appraisal shall cease to be effective from the effective date of this Circular.

II. Business Sector:

- 2.1. Circular 09/2024/TT-BKHDT dated May 16, 2024 on forms for carrying out procedures for registration of cooperative groups, cooperatives, and cooperative unions and regulations on information content, updating, exploiting and managing the National Information System on cooperatives issued by the Minister of Planning and Investment.**

This Circular provides for forms applicable to the registration of cooperative groups, cooperatives and cooperative unions nationwide; regulations on information contents, the updating, exploitation and management of the National Information System on cooperatives.

Subjects of application:

- Cooperative groups registered under the Law on Cooperatives, Cooperatives and Union of Cooperatives;
- Members of cooperative groups, cooperatives, cooperative unions;
- Agencies, organizations and individuals related to the establishment, management, reorganization, dissolution, bankruptcy and related activities of cooperative groups, cooperatives and cooperative unions.

Forms of documents prescribed for cooperative groups, cooperatives, cooperative unions, organizations and individuals involved in carrying out procedures for registration of cooperative groups, cooperatives and cooperative unions include:

- Forms for carrying out procedures for registration of cooperatives and cooperative unions include forms from Form II-1 to Form II-12 of Appendix II issued together with this Circular;
- The form for carrying out procedures for registration of a cooperative group includes the forms from Form III-1 to Form III-7 of Appendix III issued together with this Circular.

Forms of documents prescribed for district-level business registration agencies to be used in settling procedures for registration of cooperative groups, cooperatives and cooperative unions include:

- Forms for district-level business registration agencies used in the registration of cooperatives and cooperative unions include forms from Form IV-1 to Form IV-11 of Appendix IV issued together with this Circular;
- Forms for district-level business registration agencies used in the registration of cooperative groups include forms from Form V-1 to Form V-7 of Appendix V issued together with this Circular;

- Forms for district-level business registration agencies for common use in the registration of cooperative groups, cooperatives and cooperative unions include forms from Form VI-1 to Form VI-5 of Appendix VI issued together with this Circular.

Contents of information on cooperative groups, cooperatives and cooperative unions and information on the management of cooperative groups, cooperatives and cooperative unions include forms from Form VII-1 to Form VII-4 of Appendix VII issued together with this Circular.

The list of letters and symbols used in naming cooperative groups, cooperatives, cooperative unions, branches, representative offices, and business locations of cooperatives and cooperative unions is specified in Appendix VIII of this Circular.

This Circular takes effect from July 1, 2024.

This Circular replaces Circular No. 03/2014/TT-BKHDT dated May 26, 2014 of the Minister of Planning and Investment guiding the registration of cooperatives and the regime of reporting on the operation of cooperatives and Circular No. 07/2019/TT-BKHDT dated April 08, 2019 of the Minister of Planning and Investment amended, supplementing a number of articles of the Circular No. 03/2014/TT-BKHDT dated May 26, 2014 of the Minister of Planning and Investment guiding the registration of cooperatives and the regime of reporting on the operation of cooperatives.

To annul Article 5 and Section V of the Appendix of Circular No. 09/2019/TT-BKHDT dated July 29, 2019 of the Minister of Planning and Investment on amending, supplementing and annulling a number of provisions of circulars related to the periodic reporting regime under state management and the reporting information system of the Ministry of Planning and Investment.

2.2. Official Letter 1794/TCT-CS dated May 2, 2024 on corporate income tax policies issued by the General Department of Taxation.

The exchange rate difference arising in the period directly related to the turnover and expenses of the enterprise's main production and business activities shall be included in the expenses or incomes of the enterprise's main production and business activities. In case an enterprise has an investment project that is entitled to

CIT incentives due to meeting the conditions on investment incentives, incomes from investment incentives and incomes such as exchange rate differences directly related to turnover, expenses of the eligible sectors are also entitled to CIT incentives.

2.3. Official Letter 1884/TCT-CS dated May 7, 2024 responding to tax policies issued by the General Department of Taxation.

In case the Company implements a new investment project, is granted a license to operate in the field of electricity, and has revenue from electricity production and sale activities (a unit that uses heat in the process of incineration and treatment of solid waste to generate electricity), the revenue from electricity production and sale activities of the Company is entitled to CIT incentives as prescribed.

2.4. Official Letter 26844/CTHN-TTHT dated May 09, 2024 on tax policies for business households issued by the Hanoi Tax Department.

Regarding the tax calculation method: the declaration method applies to large-scale business households and business households that have not yet met the large scale but choose to pay tax according to the declaration method. Business households that pay tax by the declaration method must comply with the accounting regime, invoices and vouchers in accordance with law. If a business household pays tax by the declaration method, if it is determined that the taxable turnover is not in accordance with reality, the tax authority shall fix the taxable turnover.

About invoices:

- In case business households pay tax by declaration method: they are entitled to register to use e-invoices according to Clause 1, Article 15 of Decree No. 123/2020/ND-CP dated October 19, 2020 of the Government.
- In case the business household fails to pay the tax declaration method, it shall apply for the issuance of an e-invoice with the tax authority's code for each time it arises according to the guidance in Clause 2, Article 13 of the Government's Decree No. 123/2020/ND-CP dated October 19, 2020.

2.5. Official Letter 27295/CTHN-TTHT dated May 10, 2024 on corporate income tax incentives for high-tech enterprises issued by the Hanoi Tax Department.

In principle, in case an enterprise is enjoying corporate income tax incentives under the provisions of legal documents on corporate income tax and is granted a high-tech enterprise certificate, the preferential level for high-tech enterprises is determined to be equal to the preferential level applicable to high-tech enterprises specified at Point d Clause 1, Article 11 of Circular No. 96/2015/TT-BTC dated June 22, 2015 of the Ministry of Finance.

During the same period, if an enterprise is entitled to many different tax incentives for the same income, it may only choose to apply the most advantageous tax incentive corresponding to a selected enterprise's preferential condition.

2.6. Official Letter 29272/CTHN-TTHT dated May 20, 2024 guiding the value-added tax and corporate income tax policies issued by the Hanoi Tax Department.

In case the Company issues invoices at the wrong time in accordance with the law on invoices for sale of goods and provision of services, it shall be sanctioned according to the provisions of Article 24 of Decree No. 125/2020/ND-CP dated October 19, 2020 of the Government.

In case the Company's customers purchase goods and services used for the production and trading of goods and services subject to VAT, have lawful VAT invoices and meet the conditions specified in Clause 10, Article 1 of Circular No. 26/2015/TT-BTC dated 27/02/2015 of the Ministry of Finance (amended and supplemented in Article 1 of Circular 173/2016/TT-BTC dated 28/10/2016 of the Ministry of Finance) shall be deducted from input VAT as prescribed.

Regarding the determination of deductible expenses when determining income subject to corporate income tax, the guidance in Article 4 of Circular No. 96/2015/TT-BTC dated June 22, 2015 of the Ministry of Finance shall be complied with.

III. Investment Sector:

3.1. Decision 1615/QD-UBND in 2024 announces the list of administrative procedures in the field of bidding for investor selection under the management of the Department of Planning and Investment of Ho Chi Minh City.

Announced together with this Decision a list of 01 new administrative procedures promulgated in the field of bidding for investor selection under the management of the Department of Planning and Investment.

Name of administrative procedure	Deadline for settlement	Location	Fees and charges
Announcement of business investment projects for projects not subject to investment policy approval proposed by investors	<p>- Regarding the time limit for considering the investor's project proposal dossier:</p> <p>Within 03 working days from the date of receipt of the project proposal, the Department of Planning and Investment shall report to the Chairman of the City People's Committee to assign a specialized agency to synthesize and consider the project proposal dossier of the investor.</p> <p>+ Within 25 days from the date of assignment, the specialized agency shall consider the conformity of the project proposal dossier with the provisions of Clauses 4, 5 and 6, Article 1 of the Government's Decree No. 23/2024/ND-CP dated February 27, 2024, and submit it to the competent person for approval of information on the business investment project.</p>	Department of Planning and Investment (No. 32, Le Thanh Ton Street, Ben Nghe Ward, District 1)	Not

	<p>- Regarding the time limit for posting information:</p> <p>Competent agencies (People's Committees of Ho Chi Minh City) shall post information on business investment projects proposed by investors on the National Procurement Network System within 05 working days from the date the written approval is issued.</p>		
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This Decision takes effect from the date of signing.

3.2. Circular 07/2024/TT-BYT regulating drug bidding at public health facilities issued by the Minister of Health on May 17, 2024.

This Circular provides for drug bidding activities funded by the state budget, health insurance funds and other lawful revenues of state administrative agencies in charge of health and public health non-business units (hereinafter referred to as public health establishments). comprise:

- Dividing bidding packages and groups of drugs;
- Process and procedures for the selection of drug supply contractors;
- Centralized drug procurement.

This Circular applies to the bidding of pharmaceutical chemicals, radiopharmaceuticals, markers, vaccines, biological products, herbal drugs, traditional medicines, herbal herbs, herbal medicines and gases granted circulation registration numbers as drugs in service of medical examination and treatment.

The purchase of drugs ordered or assigned by the State shall comply with the provisions of the Government's Decree No. 32/2019/ND-CP dated April 10, 2019 stipulating the assignment of tasks, ordering or bidding for the supply of public products and services using the state budget from recurrent expenditures.

The purchase of drugs for use in medical examination and treatment at the agency's military medical line, agency health, and health at detention facilities of the armed forces shall comply with the guidance of the Ministry of National Defense and the Ministry of Public Security.

The purchase of whole blood and standard blood products shall comply with the provisions of Circular No. 15/2023/TT-BYT dated July 20, 2023 of the Minister of Health stipulating the maximum price and costs for determining the price of a unit of whole blood and standard blood products.

This Circular takes effect from May 17, 2024.

The following provisions shall cease to be effective from the effective date of this Circular:

- Circular No. 15/2019/TT-BYT dated July 11, 2019 of the Minister of Health regulating drug bidding at public health facilities;
- Article 5 of Circular No. 15/2020/TT-BYT dated August 10, 2020 of the Minister of Health promulgating the list of drugs for bidding, the list of drugs for centralized bidding, the list of drugs subject to price negotiation;
- Clause 8, Article 1 of Circular No. 29/2020/TT-BYT dated December 31, 2020 of the Minister of Health amending, supplementing and annulling a number of legal documents promulgated and jointly promulgated by the Minister of Health;
- Circular No. 15/2021/TT-BYT dated September 24, 2021 of the Minister of Health amending and supplementing a number of articles of Circular No. 15/2019/TT-BYT dated July 11, 2019 of the Minister of Health regulating drug bidding at public health facilities;
- Circular No. 06/2023/TT-BYT dated March 12, 2023 of the Minister of Health amending and supplementing a number of articles of Circular No. 15/2019/TT-BYT dated July 11, 2019 of the Minister of Health regulating drug bidding at public health facilities;
- Circular No. 22/2020/TT-BYT dated December 02, 2020 of the Minister of Health regulating the management of anti-HIV drugs that are centrally

procured at the national level using the health insurance fund and support for co-payment of anti-HIV drugs for HIV-infected people with health insurance cards;

- Chapter III of Circular No. 36/2021/TT-BYT dated December 31, 2021 of the Minister of Health regulating medical examination and treatment and payment of medical examination and treatment expenses covered by health insurance related to tuberculosis medical examination and treatment;
- Circular No. 09/2022/TT-BYT dated September 09, 2022 of the Minister of Health detailing the form of bidding documents for procurement of medicinal herbs and traditional medicines at public health facilities.

IV. Taxes, fees and charges:

4.1. Decree 48/2024/ND-CP amending Decree 130/2018/ND-CP guiding the Law on Electronic Transactions on digital signatures and digital signature authentication services issued on May 9, 2024.

Amending and supplementing a number of articles of the Government's Decree No. 130/2018/ND-CP dated September 27, 2018 detailing the implementation of the Law on Electronic Transactions on digital signatures and digital signature authentication services:

- Amending and supplementing Article 23 of the dossier for issuance of digital certificates of subscribers
- Amending and supplementing Point b, Clause 1, Article 46

For applications for issuance of digital certificates of subscribers that have been submitted to organizations providing public digital signature certification services but have not yet been issued digital certificates by the effective date of this Decree, they shall continue to comply with the provisions of the Government's Decree No. 130/2018/ND-CP dated September 27, 2018 detailing the implementation of the Law on Assignment of electronic translation of digital signatures and digital signature certification services, unless the parties choose to apply the provisions of this Decree.

For dossiers for issuance of licenses to use foreign digital certificates in Vietnam that have been submitted to competent state agencies but have not been granted licenses to use foreign digital certificates in Vietnam by the effective date of this Decree, they shall continue to comply with the provisions of Decree No. 130/2018/ND-CP dated September 27, 2018 of the Government. detailing the implementation of the Law on Electronic Transactions on digital signatures and digital signature certification services.

This Decree takes effect from the date of signing for promulgation.

4.2. Circular 41/2024/TT-BTC amending Circular 44/2017/TT-BTC stipulating the royalty price bracket for groups and types of natural resources with the same physical and chemical properties and Circular 152/2015/TT-BTC guiding royalty issued by the Minister of Finance on May 20, 2024.

Amending and supplementing Article 6 "Adjustment and supplementation of severance tax calculation price brackets" of Circular No. 44/2017/TT-BTC dated May 12, 2017 of the Minister of Finance regulating the severance tax calculation price bracket for groups and types of natural resources of the same physical and chemical nature

Amending and supplementing a number of articles of Circular No. 152/2015/TT-BTC dated October 02, 2015 of the Minister of Finance guiding severance tax:

- To annul Clause 5.2, Article 6;
- To amend Clause 5.3, Article 6;
- Amending Point a, Clause 1, Article 13

Regulations on corporate income tax exemption and personal income tax exemption specified in this Circular take effect from July 15, 2024.

V. Labor – salary:

5.1. Decision 624/QD-BLDTBXH dated May 17, 2024 announcing amended and supplemented administrative procedures in the field of management of overseas workers under the management of the Ministry of Labor, War Invalids and Social Affairs.

Together with this decision, we announce the amended and supplemented administrative procedures in managing overseas workers under the management of the Ministry of Labor, War Invalids and Social Affairs.

No	Administrative procedure dossier code	Name of administrative procedure	Name	Field	Implementing agency
Administrative procedures at the central level					
1	1.010697	Preparation of labor resources of enterprises providing services to send Vietnamese workers to work abroad under contracts	Circular No. 02/2024/TT-BLDTBXH	Management of Overseas Workers	Ministry of Labor, War Invalids and Social Affairs
2	1.005129	Registration of labor supply contracts of enterprises providing services for sending Vietnamese workers to	Circular No. 02/2024/TT-BLDTBXH	Management of Overseas Workers	Ministry of Labor, War Invalids and Social Affairs



		work abroad under contracts			
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This Decision takes effect from the date of signing.

This Decision amends and supplements Decision No. 58/QD-LDTBXH dated January 26, 2022 of the Minister of Labor, War Invalids and Social Affairs on the announcement of new administrative procedures for promulgation, amendment, supplementation and abolition of the field of overseas labor management within the scope of state management functions of the Ministry of Labor, War Invalids and Social Affairs.